

(as tabled in the Four-Power Working Group session at Paris on March 12, 1959)

This document consists of 9 pages
Number 27 of 72 copies, Series B.

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ELEMENTS OF A WESTERN POSITION AT A CONFERENCE WITH THE SOVIETS

The anticipated conference of Foreign Ministers with the Soviets presents serious tactical and substantive problems for the Western Powers. The stakes will be high, and because of the threatened Soviet relinquishment of responsibilities to the GDR: such a conference will be basically different from the somewhat theoretical exercises which many previous conferences with the Soviets have been. In arriving at a Western position, the following factors must be considered:

1. an estimate of Soviet intentions;
2. the maximum and minimum objectives of the Western Powers;
3. the tactics to be followed by the Western Powers both in terms of anticipated public pressures and the balancing of Soviet and Western objectives;
4. the substantive proposals to be made by the West.

Estimate of Soviet Intentions

It is reasonably clear that the direct objective of the Soviets is to remove the Allied presence from Berlin, and in so doing to strengthen the position of the GDR by ending the infectious demographic and psychological effect of West Berlin under Allied occupation. This, the Soviets presumably hope, would set in motion a chain of causation detrimental to the Western alliance in general and the position of the United States in particular. Whether they chose this moment because of urgent pressure from the GDR or because of an estimate that the situation was tactically ripe, the fact remains that they have challenged the Western Powers at a point of relative vulnerability. Despite many decided assets, the latter are in an exposed position in Berlin without control over their basic lines of communication. They are committed to an absolute policy of not dealing with the GDR authorities which, the Soviets have probably estimated, will not, under conditions of crisis, have the understanding or support of Western public opinion and perhaps some Western Governments.

Given this, it seems probable that the Soviets will proceed with their announced intention of turning over their responsibilities in East Berlin to the GDR after May 27 unless presented with a situation which in terms of their own assessment of interests makes this undesirable. They may also at the same time turn over to the GDR their responsibilities for control of access as they originally threatened to do. The Soviets may, on the other hand, link this transfer to conclusion of a separate peace treaty with the GDR, relating this possibility to their assessment of progress toward or in negotiations.

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One theory, which has motivated much of the discussion on the Western side as to the advantages of a conference with the Soviets, is that the latter have been or will be impressed by the degree of firmness and unity exhibited by the West and will want to find a way out without loss of prestige. Whether this view proves more consoling than correct, it obviously needs to be tested through providing the camouflage of a conference, particularly since Western willingness to engage in such a conference is undoubtedly necessary evidence of desire to exhaust all peaceful means of settlement.

It would, however, be highly dangerous to assume that the Soviets will behave according to this pattern. The Western Powers must realistically assume that the Soviets may present them with a fait accompli, once convinced that a conference will not simply bless the Soviet proposals. There is little concrete evidence that the Soviets seriously desire any settlement of the problems of reunification or European security at this time except on terms incompatible with the interests of the West. It cannot be excluded that the Soviet aim is simply to register their ability to impose negotiations on the Western Powers in accordance with conditions long prescribed by the Soviets and thus to demonstrate their political strength.

Although the real importance of this factor is disputed, it may be conceded that they do not like the idea of having the West German armed forces possess nuclear weapons. It is not clear what price they are prepared to pay to avert such a development.

Western Objectives

The Western objectives are obviously related to Soviet threats and actions. The Western Powers did not precipitate the present crisis and were relatively satisfied with the situation in Berlin, given the lack of progress towards German reunification. They must, of course, continue to stress the goals of German reunification and satisfactory European security arrangements, and their maximum objective would be to achieve a settlement in this area. However, they must realistically provide for the probability that any bridging of the gap at a Foreign Ministers' conference between the minimum substantive position of the Soviets and the Western Powers on these subjects is unlikely under present circumstances. Hence, the minimum Western objective in the present Berlin crisis must be the achievement of some sort of modus vivendi which will permit the survival of West Berlin under conditions permitting its continuing development in freedom under the protective influence of the Western Powers.

Tactics

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Tactics

The tactical presentation of the Western position will assume perhaps more importance than at any previous conference with the Soviets. Not only must the Western Powers give sufficient evidence of their flexibility and desire for a peaceful solution so as to hold the support of public opinion, but they must present their views in such a way as to insure that they test every possibility of arriving at a settlement should the Soviets be in the slightest disposed to compromise or to seek a modus vivendi.

The initial position of the Western Powers should be as comprehensive as possible evidencing that they sincerely desire to achieve a general settlement of the problems of Germany and European security. Moreover, it should provide a route open to the Soviets if they desire to withdraw from their extreme Berlin proposals under cover of a conference or a series of conferences in being.

The Western position should accordingly contain two elements:

1. A draft peace treaty, and/or a statement of principles to govern a peace treaty;
2. A comprehensive plan covering reunification, European security, and Berlin.

These two would obviously be interrelated, with the peace treaty draft containing many of the proposals of the comprehensive plan. The advantage of tabling a draft peace treaty is that it would provide an occasion for indefinitely drawn-out discussions with the Soviets, article by article, if this should be desirable. It would not commit the West to any positions which it would not otherwise be willing to accept, since the various articles would incorporate the basic Western position.

A Suggested Western Offer on German Reunification, European Security and Berlin

In the light of the answers prepared in EUR to the questionnaire drafted by the Four-Power Working Group it is suggested that the Three Western Powers table the proposals set forth below at a conference with the Soviet Union.

These suggestions are intended to constitute a comprehensive and reasonable offer to the Soviet Union providing a basis for a settlement and containing enough new proposals and formulations to convince world opinion that the Western Powers have shown flexibility and inventiveness without surrendering the basic principle of our security -- i.e., that we cannot afford to accept security arrangements which would seriously alter the present balance of power to the advantage of the Soviet Union or forfeit the progress achieved in developing institutional or other ties between the Federal Republic and its neighbors to the West.

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These proposals are designed as a package to be put into effect in stages. Some of them could be carried out at the time an agreement in principle is signed; some would have to be implemented progressively so that progress toward reunification and security would be in phase. These stages are indicated in the following paragraphs.

The principles behind this grouping are that: (1) no steps in the security field except of a declaratory nature should be taken until an agreement has been signed and a start has been made toward implementing a reunification plan; (2) changes in the security field involving deployment of Western troops and arms should not take place until significant and irreversible progress towards reunification has occurred; (3) Berlin proposals will be interim measures pending reunification. They should go into effect in Stage I. (See below).

Stage I. The West should, at the beginning of the conference, table a draft peace treaty or a document containing the principles to govern a peace treaty, which would be consistent with the substantive Western position. The West should propose that an agreement in principle be reached on an overall plan for German reunification and European security and that upon arrival at such agreement the following steps should be taken:

A. The Four Powers and other parties (presumed to be the other members of NATO and the Warsaw Pact) would undertake in a common declaration to:

1. settle, by peaceful means, any international dispute in which it was involved with any other party;
2. refrain from the use of force in any manner inconsistent with the purposes of the United Nations;
3. withhold assistance, military or economic, to an aggressor;
4. consult with each other regarding the development and implementation of security agreements to be subsequently entered into;
5. state that during the period of implementation of the Western offer, they will not transfer into the custody of countries within a Special Security Area, comprising all the territory of Germany, Poland and Czechoslovakia /and Hungary/, chemical weapons,* bacteriological weapons or nuclear weapons, unless these countries are the victims of aggression which contravenes the undertakings in paragraph A(2) of Stage I. Custody is defined as degree of US control over US nuclear warheads in accordance with US law. Custody does not preclude the US making available under US control nuclear warheads to German forces and training of German forces in their use in accordance with present or future arrangements.

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*Chemical weapons are defined in the Brussels Treaty, as revised.

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B. "A declaration by the Four Powers should be made that they have or are in the process of achieving levels of their armed forces so that they will not exceed the following levels: France, 750,000; United Kingdom, 750,000; Soviet Union, 2,500,000; United States, 2,500,000."

C. The Government of the Federal Republic should formally include its Eastern neighbors by specific reference in its renunciation of the use of force.

D. A quadripartite commission of consultation and conciliation should be established to deal with complaints concerning Berlin and Germany.

E. Discussions to develop procedures for exchanging information in Stages II and III on military personnel and armaments in all Germany, Poland Hungary and Czechoslovakia.

Stage II. The following measures in the reunification and security fields should be taken concurrently and without delay after the conclusion of Stage I.

A. Bearing in mind the complex issues involved in reunification, a three year transitional period should be agreed during which German delegates should draft a German constitution establishing a German Federal Union in which authority to regulate social and economic matters would be vested in freely elected Laender legislatures. Authority in the fields exercised by a federal cabinet responsible to a freely elected federal parliament. The creation of a federal bicameral legislature (similar to that of the Federal Republic) would provide an opportunity to give an equal number of votes to each Land.* Requirements for a two-thirds vote in the upper house would make it theoretically possible to give the East German Laender a veto in certain specified fields, for example, certain fiscal matters.

B. The Four Powers should declare their readiness to approve a constitution establishing a German Federal Union along the above-mentioned lines.

C. To implement the proposal in A above, a commission composed of two delegates from each of the German Laender and East and West Berlin should be designated by the Four Powers to act as their agents in drafting an all-German constitution and an electoral law subject to the approval of the Four Powers as follows:

1. The Three Western Powers should designate the delegates from the ten Western Laender and from West Berlin and the USSR designate the delegates from the five Laender in the Soviet Zone of Germany and from East Berlin.

2. Agreements

*Under the Federal Republic Basic Law the Laender do not have an equal number of votes. The Basic Law requires Bundesrat approval for legislation under which the Federal Republic claims a part of the income and corporation taxes (which are divided between the Federal Government and the Laender).

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2. Agreements of this group on substantive issues should require a two-thirds majority.

3. The draft electoral law should contain provisions which will guarantee freedom of elections.*

4. The draft constitution after approval by the Four Powers should be submitted to the German people in a plebiscite.

D. During the interim three-year period the German delegates provided for in C above, should supervise and coordinate the "non-political" aspects of the relationships between the Federal Republic and the GDR such as communications, postal service, trains, movement of persons and possibly interzonal trade. Freedom of movement of people, ideas and publications should be assured.

E. During the interim three-year period East German-Soviet trade arrangements could remain in effect.

F. Upon establishment of an inspection system to insure compliance the countries within the Special Security Area will assume an undertaking that they will not produce chemical weapons, bacteriological weapons/ nuclear weapons.

Stage III. The following measures should be taken after the three-year interim period which would give the Soviet Union time to disengage itself from the GDR.

A. Three years after the signature of an agreement in principle on reunification elections for an all-German assembly should be held in East and West Germany under the terms of the constitution (mentioned in proposal B under Stage II) and electoral law drafted by German delegates, approved by the Four Powers and adopted by the German population in a plebiscite (as proposed in Stage II C above).

1. The elections should be supervised by a supervisory commission and teams throughout all of Germany, each to be composed either of (a) representatives of the Four Powers, (b) representatives of East and West Germany in equal number or (c) UN representatives.**

B. An all-German government formed on the basis of the above-mentioned elections should replace the governments of the Federal Republic and the GDR and should have the following powers and responsibilities:

1. The

*i.e., the provisions listed in Part I (1) (b) of the Eden Plan.

**i.e., the organization and functions of the supervisory commission should follow the pattern of Part I (1)(c)(ii) and (iii) of the Eden Plan.

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1. The all-German government formed on the basis of the above-mentioned elections should, subject to the constitution, have full freedom of decision in regard to internal and external affairs, subject to the rights retained by the Four Powers as stipulated in C below.

2. The all-German government should have all the rights of individual and collective self-defense recognized by the United Nations Charter.

3. The all-German government should be responsible for conclusion of negotiations and signature of a peace treaty on behalf of the German people.

4. The all-German government should have authority to assume or reject the rights and obligations of the Federal Republic and of the East German regime under political or military treaties and arrangements subsidiary thereto concluded by them. Appropriate arrangements with respect to other treaties and agreements will be made by the parties concerned.

C. Bearing in mind that the United States, the United Kingdom and France, and the USSR have retained, pending the conclusion of a peace treaty, the rights and responsibilities held by them relating to Germany as a whole, the Four Powers should, pending the conclusion of such a treaty, subject to the provision concerning the stationing of forces provided in D (2) below, retain the right to exercise with respect to the national assembly and the all-German government only those of its rights which relate to the stationing of armed forces in Germany, the protection of their security, Berlin, and the peace settlement.

D. Upon the establishment of an all-German government and at the same time as agreement is reached in accordance with Paragraph E below on overall ceilings the U.S., U.K., France and the USSR should also agree that in a zone comprising a reunified Germany, Poland /Hungary/ and Czechoslovakia the total number of effective combat forces or units of non-German NATO shall not exceed _____ and the total number of Soviet effective combat forces /or units/ shall not exceed _____ on the following conditions:

1. That further reductions of non-German NATO and Soviet forces in the Special Security Area should be negotiated in conjunction with the reduction of over-all ceilings /in connection with any further disarmament measures which may be agreed to.

2. After conclusion of the peace treaty no party should continue to station forces in any country in that zone without the consent of the country involved and upon the request of that country would withdraw its forces within a stated period.

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E. The Four Powers will, upon the installation of an inspection system to verify compliance and the extension of the disarmament convention to other essential States, reduce their armed forces to the following levels: France, 700,000; United Kingdom, 700,000; Soviet Union, 2,100,000; United States, 2,100,000. When compliance with the above limitations has been verified to their satisfaction, the Four Powers will further reduce their armed forces to the following levels: France, 650,000; United Kingdom, 650,000; Soviet Union, 1,700,000; United States, 1,700,000. The levels of other essential States would be specified at the same time through negotiations with them.

F. Ceilings would be agreed upon for the total forces of a reunified Germany and the total forces of Poland and Czechoslovakia. These ceilings should go into effect at the time of the formation of an all-German government.

G. In the parts of the Special Security Area which lie closest to the line of demarcation there might be special measures relating to the disposition of military forces and installations.

H. The provisions of D, F, and G could not be carried out until effective machinery for control and inspection had been established and the all-German government had agreed to the measures called for in Stage III.

I. Should the all-German government decide to adhere to any collective security pact, the Three Powers would be prepared to join with the Soviet Union and any other parties to European security arrangements therein described in additional mutual obligations along the lines of Article VIII of the Geneva Outline Treaty of Assurance.

J. Should the all-German government decide to adhere to any collective security pact, the Three Powers would be prepared to join with other parties to European security arrangements herein described in giving an assurance that they would not advance their forces beyond the present borders of the German Federal Republic.

K. The Four Powers shall, at the time the measures contemplated in Stage III go into effect, reaffirm their declaration that they will not transfer into the custody of countries within the Special Security Area chemical weapons, bacteriological weapons or nuclear warheads, unless these countries are the victims of aggression which contravenes the undertakings in paragraph A 2 of Stage I. Custody is defined as degree of US control over US nuclear warheads in accordance with US law. Custody does not preclude the US making available under US control nuclear warheads to German forces and training of German forces in their use in accordance with present or future arrangements.

Stage IV.

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Stage IV. A final peace treaty should be negotiated with the all-German government.



Berlin

I. The Western Powers should advance the following proposals concerning Berlin to become effective during the first stage of the plan on reunification and security:

A. Berlin is one city and belongs to all of Germany. East and West Berlin should, therefore, be united through free elections held under UN supervision.

B. Simultaneously a plebiscite, likewise under UN supervision, should be held to determine the wishes of the Berlin population as to whether foreign troops should remain in Berlin, and if so the troops of which country or countries.

C. The GDR should remove its capital from Berlin so that the city may remain in trust as the destined capital of a reunited Germany to be achieved in Stage III.

D. During the interim period until Germany is reunited, the Four Powers should guarantee access to Berlin.

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